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Hui-Chuan Chen

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DOUGHERTY & TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,809

Applicant(s)

CHEN ET AL.

Examiner

Linda Krisciunas

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/03)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

1. Claims 1-20 are objected to because of the following informalities: The grammar used is inconsistent with standard English practice. Examples include: claim 1, line 19: "at least an evaluation result is then come out" and claim 2, line 2: "T&D basic data maintain setting". Appropriate correction is required throughout the application.
2. Claims 7-12 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1, 2, 3, 5, 7, 9, 10, 11, 14-17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 uses the phrase "regularly and irregularly analyze" which is unclear and not definitive.

Claim 2 uses the phrase "T&D basic data maintain setting" which is unclear and not definitive.

Claim 3 uses the phrase "the fore process", the meaning of this phrase is unclear.

Claims 5, 10-11, and 14-17 use the term "etc" which is unclear and not definitive.

Claim 7 uses the term "artificial vehicle arrangement" which is unclear.

Claim 9 uses the phrase "cut-in", the meaning of this phrase is unclear.

5. Claims 1 and 15 are rejected under U.S.C. second paragraph. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under **35 U.S.C. 112**, second paragraph. In *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990), a claim directed to an automatic transmission workstand and the method steps of using it was held to be ambiguous and properly rejected under **35 U.S.C. 112**, second paragraph.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 does not contain any structure, but appears to only contain a list of systems.

Claim Rejections - 35 USC § 101

7. Claims 1 and 15 are rejected under U.S.C. 101. As noted above, the second paragraph of 35 USC 112 requires a claim to particularly point out and distinctly claim the subject matter which the appellant regards as his invention. However, the

"invention" referred to in the second paragraph of 35 USC 112 is also subject to the requirements of 35 USC 101. This section of the statute requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added). In the situation before us on appeal, it is clear that appellant's independent claim 2 is intended to embrace or overlap two different statutory classes of invention set forth in 35 USC 101. In our view, a claim of this type is precluded by the express language of 35 USC 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. Further, we must agree with the examiner that a single claim which purposes to be both a product or machine and a process is ambiguous and is properly rejected under 35 USC 112, second paragraph, for failing to particularly point out and distinctly claim the invention. While the Examiner has only set forth rejection of the appealed claims as being under 35 USC 101 in supporting his position that appellant's claims on appeal are ambiguously drafted and indeterminate in scope. *Ex parte Lyell*, USPQ. 2d (Board of Patent Appeals and Interferences) 1548, 1551.

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 14 is rejected under U.S.C. 101 as the claimed invention is directed to non-statutory subject matter. Claim 14 is directed to various modules which do not serve any function and are not part of one of the statutory classes for patents.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Diaz et al (US 6,430,486).

As per claim 1, teaches a system for supporting transportations and distributions (T&D) consisting of: a supporting T&D system, which processes a plan operation for goods before distribution after accepting orders (column 2, lines 30-34: "SA is expected to include service and parts centers as well as weather, and routing and traffic tracking centers. There are three anticipated phases to implement the SA. They are: 1. Maintenance and Service 2. Routing and Trip Information 3. Business Specific Information/Coordination"), procedures of the operation are: a T&D data establishment (column 2, line 34: "Business Specific Information/Coordination"); vehicle arrangement operation (column 2, line 32: "Maintenance and Service"); after this at least a supporting T&D result is then generated (column 6, lines 24-28); a distribution and returning process system, which processes a monitoring and control operation for goods in distribution and goods after distribution when vehicles are on their returning ways under the supporting T&D result is generated, procedure of the operation are:

Art Unit: 3623

control and monitoring operation; result maintain and evaluation (column 3, lines 30-32: "the ECCC will provide routing information to the enrolled vehicles. The ECCC will have a running fix of the enrolled vehicles' locations." Whereby the ECCC addresses the issue of control and monitoring the vehicles and evaluating the situation); after this at least an evaluation result is the outcome (column 4, line 27: "evaluating the required tasks"); a transportation result management system, which processes that to regularly and irregularly analyze the supporting T&D result of goods before distribution and the evaluation result of monitoring and control of goods in distribution and goods after distribution when vehicles are on their returning ways, plural analyzed items are as following: cost/expense/benefit/reward management (column 3, lines 52-55: "routing information will be very useful in regional or line haul applications where a cohesive route plan means significant savings in operator costs and shipping expenses." Whereby cost management is implemented); drivers/vehicles management (column 4, lines 54-55: "Under this brokerage service vehicle owners or drivers will sign up to make deliveries within a geographic radius" whereby driver resources are managed); resources/energy management (Phase 2 and 3 encompass these items).

As per claim 2, teaches the T&D data establishment of the plan operation for goods before distribution of the supporting T&D system includes: T&D basic data maintain setting; needs for delivering ordered goods (column 7, lines 9-35: "The BMS 107 provides two primary functions. The first function is to provide shippers of goods and materials a single point of contact to electronically arrange shipments of materials by both tractor-trailer and smaller vehicles. The loads may include straight truck

Art Unit: 3623

applications and also people for bus transportation. The BMS 107 takes the shipping request and will then determine the route through the DMS 106. The BMS 107 will then contact member Vehicle 111s, determine availability and economics of the associated Vehicle 111s, contact the Vehicle 111s to offer and arrange the necessary vehicle 111s along the shipment route, and make arrangements for rendezvous and load transfers to implement the transfer. The BMS 107 will contact out of network carriers as necessary to arrange the shipment. The BMS 107 will monitor and receive VOS 101 reports on the road and vehicle conditions and make changes to the route or carriers as necessary to effect the shipment order. The second function of the BMS 107 is to provide the owners and drivers of Vehicles 111 electronic brokerage services. The owners or drivers of the vehicles, usually in the Class 5 to 8 as determined by the Gross Vehicle Weight (GVW), will sign up the vehicle for the load brokerage service. The BMS 107 will contact available vehicles 111 or their owners with potential haulage opportunities and provide instructions to the vehicle as far as rendezvous, load transfers, and routing. In at least one embodiment, the BMS 107 will be integral to the CCC 103.”).

As per claim 3, teaches the vehicle arrangement operation of the plan operation for goods before distribution of the supporting T&D system includes following: the fore process; vehicle arrangement operation; trip adjustment operation; cut-in vehicle arrangement operation; and vehicle assignment operation (column 7, lines 9-35: “The BMS 107 provides two primary functions. The first function is to provide shippers of goods and materials a single point of contact to electronically arrange shipments of

materials by both tractor-trailer and smaller vehicles. The loads may include straight truck applications and also people for bus transportation. The BMS 107 takes the shipping request and will then determine the route through the DMS 106. The BMS 107 will then contact member Vehicle 111s, determine availability and economics of the associated Vehicle 111s, contact the Vehicle 111s to offer and arrange the necessary vehicle 111s along the shipment route, and make arrangements for rendezvous and load transfers to implement the transfer. The BMS 107 will contact out of network carriers as necessary to arrange the shipment. The BMS 107 will monitor and receive VOS 101 reports on the road and vehicle conditions and make changes to the route or carriers as necessary to affect the shipment order. The second function of the BMS 107 is to provide the owners and drivers of Vehicles 111 electronic brokerage services. The owners or drivers of the vehicles, usually in the Class 5 to 8 as determined by the Gross Vehicle Weight (GVW), will sign up the vehicle for the load brokerage service. The BMS 107 will contact available vehicles 111 or their owners with potential haulage opportunities and provide instructions to the vehicle as far as rendezvous, load transfers, and routing. In at least one embodiment, the BMS 107 will be integral to the CCC 103." Whereby the cut-in arrangement is the use of out of network carriers to fill the work order for deliveries.).

As per claim 4, teaches the control and monitoring operation of goods in distribution and goods after distribution when vehicles are on their returning ways of the distribution and retuning process system includes: in-and-out control; monitoring and control operation; and returning control (column 7, lines 23-25: "The BMS 107 will

monitor and receive VOS 101 reports on the road and vehicle conditions and make changes to the route or carriers as necessary to effect the shipment order”).

As per claim 5, teaches the result maintain and evaluation of the distribution and returning process system depends on receipts of vehicles in distribution and daily vehicle assignment records to maintain and valuate, thus contract vehicle valuation results, driver reward valuation results are then generated (column 7, lines 36-67 and column 8, lines 1-35: “The VOS 101 may include as complex as a multiplexed vehicle system that includes an internal communication backbone 112 allowing communication between electronic components using standards and communication protocols such as the Society of Automotive Engineers (SAE) J1708, J1587, J1939 communication protocols or a like proprietary variant. The communication backbone 112 may be as simple as a loose network of sensors and components connected in a point-to-point fashion. The more complex version is shown in FIG. 2. The internal electrical communication backbone 112 is electrically engaged to provide a communication path between various electronic devices and controllers as part of the VOS 101. The vehicle 111 has an engine 113 engaged to a transmission 114. The transmission is engaged to a drive train 118 for driving the wheels 126. The engine 113 is controlled and monitored by an engine electronic control module (ECM) 113a that is electrically engaged to the communication backbone 112. The engine ECM 113a may receive and communicate status of the engine and auxiliaries including but not limited to engine performance, engine coolant parameters, engine oil system parameters, air intake quality, and other monitored parameters. The transmission 114 if automatic or

Art Unit: 3623

semi-automatic may be controlled and monitored by a transmission electronic control module 114a that is electrically engaged to the communication backbone 112. The vehicle 111 may have an onboard computer (OBC) 119 which if present will be the lead message arbitrator or lead controller for the vehicle 111. The OBC 119 will collect input and send requests from and to the CCC 103 through an onboard communications means and either the SCN 102 or the GCN 104. The OBC 119 will act as a lead message arbitrator or lead controller, whose orders in conflict with other controllers will countermand. If the vehicle 111 does not have an OBC 119, then another ECM such as the engine ECM 113a will act as the lead controller. The onboard communication means may be a satellite access antenna 115 that may be included in a sun visor 128 or a cellular phone antenna 116 with a phone transceiver 116a. The communication means may additionally be any vehicle to land method and equipment. The wheels 126 may include anti-lock (ABS) brakes. The anti-lock brakes may be controlled by an anti-lock brake electronic control module (ABS ECM) 117. The ABS ECM 117 is electrically engaged to the communication backbone 112 and like the other ECMs provides status of the system to the OBC 119 or other lead controller and hence to the CCC 103 through the onboard communication means. The onboard communication means provides input of its own system operability to the OBC 119 or other lead controller. A tire pressure sensor 126a is mounted on each wheel. The tire pressure sensor 126a measures each tires pressure and sends radio signal to a receiver 126b that is electrically engaged to the communication backbone 112. Tire pressure is an indicator of tire wear, the need for a pressure adjustment, or vehicle loading depending

on the pressure distribution across the tires and a specific vehicle history maintained by either the OBC 119 or the DMS 106 remotely. An electronic odometer may also be tied to the communication backbone 112 provide input of miles traveled to the OBC 119, other lead controller, and the CCC 103 remotely. A navigation system such as those based on GPS and Dead Reckoning may be installed and engaged to the communication backbone 112 with an appropriate antenna 136 and transceiver 137 for providing input of the vehicle 111's geographic position. The above mentioned ECMs and sensors are examples of specific vehicle inputs providing a specific vehicle status.”).

As per claim 6, teaches the fore process is a routine and fore vehicle arrangement operation (column 7, lines 16-22: “The BMS 107 will then contact member Vehicle 111s, determine availability and economics of the associated Vehicle 111s, contact the Vehicle 111s to offer and arrange the necessary vehicle 111s along the shipment route, and make arrangements for rendezvous and load transfers to implement the transfer. The BMS 107 will contact out of network carriers as necessary to arrange the shipment.”).

As per claim 7, teaches the vehicle arrangement depends on one of the following types to process: automatic vehicle arrangement, computer added artificial vehicle arrangement; a preliminary result for preview is then brought out (column 7, lines 16-22: “The BMS 107 will then contact member Vehicle 111s, determine availability and economics of the associated Vehicle 111s, contact the Vehicle 111s to offer and arrange the necessary vehicle 111s along the shipment route, and make arrangements

for rendezvous and load transfers to implement the transfer. The BMS 107 will contact out of network carriers as necessary to arrange the shipment.").

As per claim 8, teaches the trip adjustment operation focuses on one of the following trip assemblies to process: multiple transfer-trip assemblies, return trip assemblies; and comparison and confirmation are executed before and after adjustment (column 7, lines 23-25: "The BMS 107 will monitor and receive VOS 101 reports on the road and vehicle conditions and make changes to the route or carriers as necessary to effect the shipment order" whereby the BMS can make necessary adjustments to the routes taken by the vehicles.).

As per claim 9, teaches the cut-in vehicle arrangement operation recognizes that there is even one new order accepted or not after the comparison and confirmation are done; if not, to continue next item; if yes, to process the second batch of orders, and taking one of the following vehicle arrangements: computerize cut-in vehicle arrangement, artificial cut-in vehicle arrangement; a preliminary result for preview is then brought out, and going back for re-arrangement (column 7, lines 14-21: "The BMS 107 takes the shipping request and will then determine the route through the DMS 106. The BMS 107 will then contact member Vehicle 111s, determine availability and economics of the associated Vehicle 111s, contact the Vehicle 111s to offer and arrange the necessary vehicle 111s along the shipment route, and make arrangements for rendezvous and load transfers to implement the transfer" whereby the MBS system would be periodically updated with any new shipping orders or adjustments and would subsequently determine the vehicles required.).

As per claim 10, teaches the in-and-out control focuses on the following vehicles: private vehicles, contract vehicles (column 7, lines 16-22: member vehicles (111) and "out of network carriers" correlate to private and contract vehicles, respectively).

As per claim 11, teaches the monitoring and control operation consists of: vehicles in motion, collecting delivery conditions and report them back to delivery center (column 7, lines 23-25: "The BMS 107 will monitor and receive VOS 101 reports on the road and vehicle conditions and make changes to the route or carriers as necessary to effect the shipment order").

As per claim 12, teaches the returning control is the control operation within and after vehicle returning (column 7, lines 1-8: "The GSN 105 is comprised of a network of vehicle support facilities that may include parts warehouses, vehicle service and maintenance centers, information-services (a.k.a. 'help-desk') and road service providers such as tow trucks or wreckers. The GSN 105 will provide parts and service as necessary to return or maintain a mobile vehicle in service. It may include vehicle dealers and independent service and parts providers.").

As per claim 14, teaches a geographic information system application module which may calculate the shortest distances for goods loading places to customers' places, customers' places to customers' places, according to data of customers and distributions (column 3, lines 32-36: "The routing information will allow the drivers of the vehicle platforms to choose and use the most efficient routes to transit. Prior art routing information included the best path based upon the shortest distance." See also column 3, line 28 "Phase 2"); a vehicle arrangement and path plan module which may arrange

distributions' sequences depending on data in database via automatic, artificial or cut-in vehicle arrangement process, thus an order path network simulation is then brought out, the path network simulation is sent to the geographic information system application module for displaying distribution paths; a vehicle and driver assignment module may recommend distribution paths and cooperate data of transportation companies, characteristics of each vehicle and driver, cost to process vehicle and driver assignment and goods distribution for each trip (column 7, lines 14-21: "The BMS 107 will then contact member Vehicle 111s, determine availability and economics of the associated Vehicle 111s, contact the Vehicle 111s to offer and arrange the necessary vehicle 111s along the shipment route, and make arrangements for rendezvous and load transfers to implement the transfer."); a monitoring and recording module which may function the control and monitor of goods in distribution, which means to control each vehicle running conditions when goods in distribution, and to monitor and record vehicle paths and distribution time interval to the time of distribution finished, which means to monitor and record all situations until vehicles arriving at loading places (column 7, lines 23-25: "The BMS 107 will monitor and receive VOS 101 reports on the road and vehicle conditions and make changes to the route or carriers as necessary to effect the shipment order").

As per claim 15, teaches the data of customers and distributions in the geographic information system application module is collected and sorted by a basic data module, and the data include following: T&D data maintain, vehicle arrangement principle, region data maintain, customer T&D data check and maintain (column 1,

lines 60-64: "The invention is an intelligent information system architecture and process for commercial and other transportation vehicles that provides improved productivity, effectiveness, safety and other benefits. Moreover, the system architecture is tailored to the different businesses." and column 2, lines 21-34: "The multiplexed system may gather the status of various operating parameters of the vehicle from the electronic components. The operating status of the vehicle may be uplinked through the multi-functional antenna system to one or more external communications control centers (ECCC). The ECCCs and the enrolled vehicle platforms generally comprise the communications system architecture (SA), although the SA is expected to include service and parts centers as well as weather, and routing and traffic tracking centers. There are three anticipated phases to implement the SA. They are: 1. Maintenance and Service 2. Routing and Trip Information 3. Business Specific Information/Coordination").

As per claim 16, teaches the data in T&D data maintain include: private vehicles, contract vehicles (column 7, lines 16-22: member vehicles (111) and "out of network carriers" correlate to private and contract vehicles, respectively).

As per claim 17, teaches the procedure of the path network simulation are: to find order data from the data of region data maintain and customer T&D data check and maintain, and to generate results after establishment; the results cooperates with the geographic information system application module to develop further logistic network result, vehicle arrangements and path plans are brought out (See Figure 1 which shows the interaction of all the systems taught by Diaz. These include management of the data

(106) management of the vehicles (101) and (104) and the control center (103) which stores and analyzes the information from the network).

As per claim 18, teaches the procedure of the vehicle and driver assignment are: to find relative data from the data of T&D data maintain and vehicle arrangement principle, and to process the vehicle and driver assignment; to print out assignment result checks; an overall plan is produced (column 7, lines 14-21: "The BMS 107 will then contact member Vehicle 111s, determine availability and economics of the associated Vehicle 111s, contact the Vehicle 111s to offer and arrange the necessary vehicle 111s along the shipment route, and make arrangements for rendezvous and load transfers to implement the transfer.").

As per claim 20, teaches the vehicle assignment operation processes the assignment for vehicles and drivers (column 4, lines 54-55: "Under this brokerage service vehicle owners or drivers will sign up to make deliveries within a geographic radius").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al (US 6,430,486).

As per claim 13, Diaz teaches vehicles may return to a place, and the place is one of the following: original place where vehicles come from, at least on other place where goods have been delivered [Official notice is taken that it is old and well known that delivery vehicles return to the place they picked up the goods (or place where they come from) as this is typical in a distribution/delivery system of goods to provide an efficient means of delivering goods].

As per claim 19, Diaz teaches the loading places may be one of the following: original place where vehicles come from, at least one other place where goods have been delivered [Official notice is taken that it is old and well known that delivery vehicles load goods at their point of origin or where they have delivered goods as this is typical in a distribution/delivery system of goods to provide an efficient means of delivering goods].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches about logistics tracking: Diaz et al (US 6,356,822), Jenkins et al (US 6,253,129), Glass (US 6,741,933), "ITS, it's on the move" by Lisa Harrington, Transportation & Distribution, vol 37, issue 10, p 93, October 1996; "The National ITS Architecture: A framework for ITS infrastructure" by Lee Simmons, Public Roads, vol 61, issue 2, Sept/Oct 1997; and "Fleeting Glimpse", Works Management, May 2001, vol 54, issue 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

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LMK

LMK
January 26, 2006